

Return Date: April 26, 2022

KEIRA SPILLANE, Individually and as Parent of CHILD #1;	:	SUPERIOR COURT
ANNA KEHLE, individually and as Parent Of CHILD #2;	:	
	:	JUDICIAL DISTRICT OF
Plaintiffs,	:	STAMFORD/NORWALK
	:	
v.	:	AT STAMFORD
NED LAMONT, in his Official Capacity of Governor of The State of Connecticut;	:	
CHARLENE M. RUSSELL-TUCKER, in her Official Capacity as Commissioner of the Connecticut Department of Education;	:	
MANISHA JUTHANI, in her Official Capacity as Commissioner of the Connecticut Department of Public Health;	:	
Orange Board of Education; and	:	
Whitby School	:	APRIL 5, 2022
Defendants.	:	

COMPLAINT

"We have an obligation to provide a public education to people whether they're vaccinated or not."

Governor Ned Lamont, April 22, 2021

INTRODUCTION

1. This action involves the systematic effort by Defendants to violate state law, federal law, and specifically the Religious Freedom and Restoration Act in a concerted effort to violate the religious rights of Plaintiffs.¹

¹ In fact, Speaker of the Connecticut House of Representatives, Matthew Ritter, who as far back as 2015 expressed his desire to remove Connecticut's Religious Exemption, said in

2. “For centuries now, people have come to this country from every corner of the world to share in the blessing of religious freedom. Our Constitution promises that they may worship in their own way, without fear of penalty or danger, and that in itself is a momentous offering.” *Hunter Doster, et. al., v. Hon. Frank Kendall, et. al.*, Case No. 1:22-cv-00084, (U.S. District Court, Southern District of Ohio) Filed March 31, 2022, citing *Town of Greece, N.Y. v. Galloway*, 572 U.S. 565, 615 (2014).

3. In April 2021, Governor Ned Lamont signed into law CT. P.A. 21-6, eliminating the *religious* exemption from school vaccination mandates for children in public and private schools in the State of Connecticut, in violation of the Connecticut Constitution, the United States Constitution and in violation of Connecticut’s Religious Freedom and Restoration Act (“RFRA”) (C.G.S. 52-571b).

4. Connecticut’s Religious Freedom and Restoration Act (“RFRA”) (C.G.S. 52-571b) prohibits the State from burdening a person’s freedom of religion under Article 1, Section 3 of the Constitution even if the burden results from a rule of general applicability unless the State demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest.

2019: “We are going to call a bill within the next 12 months on the house floor to get rid of the religious exemption or some form of that.”

<https://www.fox61.com/article/news/local/outreach/awareness-months/democrats-promise-vote-to-eliminate-vaccine-religious-exemptions-within-a-year/520-5f2553ec-b9c6-42df-a627-9042454014f5?msclkid=acfb6f5b5d311eca1f12489a326a526>

5. Parents in Connecticut must now choose between educating their children or following their sincerely held religious beliefs despite Governor Lamont's assurances that the State of Connecticut has an obligation to educate all children, vaccinated or not.

6. The State is willing to grant exemptions for non-religious reasons. The school vaccine mandates now permits exemptions for those with medical reasons. As a result, the school vaccine mandate is now under inclusive.

7. "Underinclusiveness is often regarded as a telltale sign that the government's interest in a liberty-restraining pronouncement is not in fact compelling."

See *BST Holdings, LLC. v. Occupational Safety and Health Administration*, 17 F.4th 604, 616 (5th Cir. 2021).

8. At the time that Public Act 21-6 was enacted in April 2021 and as of the time of this filing, upon information and belief, the State of Connecticut's schools have not had a substantial outbreak of any infectious disease for which a vaccine is mandated pursuant C.G.S. §10-204a, in many decades. Religious exemptions have coexisted with vaccine mandates since 10-204a was passed in 1959.

9. Prior to April 2021, the state of Connecticut successfully provided other means, measures and methods for ensuring that contagious diseases did not spread while simultaneously providing access to all schools and protecting religious liberty.

10. The Clinical Procedures Guidelines for Connecticut School Nurses addresses contagious diseases and governs the control of communicable diseases within the state. The guidelines for schools are:

- a. encouraging sick students and staff to stay home and seek medical attention for severe illness;
- b. facilitating hand hygiene by supplying soap and paper towels and teaching good hand hygiene practices;
- c. being vigilant about cleaning and disinfecting classroom materials and surfaces; and
- d. adopting healthy practices such as safe handling of food and use of standard precautions when handling body fluids and excretions.

11. These guidelines have been effective because there have been no substantial outbreaks of measles, whooping cough and other childhood diseases in decades.

12. According to the highly regarded Institute of Medicine, during outbreaks, officials have removed unvaccinated children from schools, which has proved to be a successful control measure.²

PARTIES

13. Plaintiff Keira Spillane is a resident of the Town of Orange, CT and is the mother of two minor children, one of whom, age 5, is currently enrolled in the Orange Public School system with a valid Religious Exemption for the school vaccine requirements, and the other of whom, age 3, was planning to enter either public or private Pre-K school in the Fall of 2022 (hereinafter referred to as “Child # 1”). As a result of the

² Institute of Medicine, The Childhood Immunization Schedule and Safety

removal of the religious exemption, Child # 1 will not be able to attend public or private school as of September 2022.

14. The “grandfathering” provision of the repeal of the religious exemption will split the Spillane family because the 5 year-old child may attend schools in Connecticut but Child #1 cannot. The religious beliefs of the family are identical regarding both children.

15. Plaintiff Keira Spillane’s 5 year-old child may attend Connecticut schools for the next 13 years through high school, while Child #1 may not attend Connecticut schools at all.

16. Plaintiff Anna Kehle is a resident of the Town of Greenwich, CT and is the mother of two minor children, one of whom, age 8, is currently enrolled in a private school in Greenwich with a valid Religious Exemption for the school vaccine requirements, and the other of whom, age 4, is currently enrolled in Pre-K with a Religious Exemption and was planning to continue in Pre-K in the Fall of 2022 (hereinafter referred to as “CHILD # 2”). As a result of the removal of the religious exemption, Child #1 will not be able to attend public or private school as of September 2022.

17. The “grandfathering” provision of the repeal of the religious exemption will split the Kehle family because the 8 year-old child may attend schools in Connecticut but Child #2 cannot. The religious beliefs of the family are identical regarding both children.

18. Plaintiff Anna Kehle’s 8 year-old child may attend Connecticut schools for the next 11 years through high school, while Child #2 may not attend Connecticut schools at all.

19. Defendant Ned Lamont is the Governor of the State of Connecticut and signed the challenged repeal into law on April 28, 2021. The State Constitution requires that the Governor ensure that the laws of the state are “faithfully executed.” Governor Lamont’s office for the transaction of business is located at the Connecticut State Capitol Building, Hartford, Connecticut. Governor Lamont is sued herein in his official capacity.

20. Defendant Charlene M. Russell-Tucker is the Commissioner of the State of Connecticut Department of Education, which agency is the administrative arm of the State Board of Education (hereinafter “DOE”). Commissioner Russell-Tucker is sued herein in her official capacity on behalf of the DOE.

21. Defendant Manisha Juthani is the Commissioner of the State of Connecticut Department of Public Health (hereinafter “DPH”). Commissioner Juthani is sued herein in her official capacity on behalf of the DPH.

22. Defendant Orange Board of Education is responsible, under Connecticut General Statute §10-204a, for enforcing the school vaccine requirements for all students enrolled in the Orange Public School system.

23. Defendant Whitby School is a private school in Greenwich, CT that offers instruction for grades from Pre-K to 12th grade and is responsible, under Connecticut General Statute §10-204a, for enforcing the school vaccine requirements for all students enrolled in Whitby School.

STATEMENT OF FACTS

24. Dr. Stanley Plotkin, lead author of the book *Plotkin's Vaccines* and widely regarded as the leading authority on vaccines,³ was deposed as an *expert in the field* under oath on January 11th 2018, where he *admitted* to the experimentation and the use of aborted fetuses in development of vaccines. Plotkin testified as follows (questioned by Attorney Aaron Siri):

Siri: 76 Fetuses. And these fetuses were all three months or older when aborted, correct?

Plotkin: Yes

Siri: And they were all normally developed fetuses, correct?

Plotkin: Yes

Siri: These included fetuses that were aborted for social and psychiatric reasons, correct?

Plotkin: Correct

Siri: What organs did you harvest from these fetuses?

Plotkin: Well, I didn't personally harvest any, but a whole range of tissues were harvested by my co-workers.

Siri: And these pieces were then cut up into little pieces, right?

Plotkin: Yes

Siri: And they were cultured?

Plotkin: Yes

Siri: Some of the pieces of the fetuses were the pituitary gland that were chopped up into little pieces?

Plotkin: Mm-hmm.

Siri: Included the lung of the fetuses?

³ IAVI Report, Volume 12, No. 5, Sept.-Oct. 2008.

Plotkin: Yes

Siri: Included the skin?

Plotkin: Yes

Siri: Kidney?

Plotkin: Yes

Siri: Spleen?

Plotkin: Yes

Siri: Heart?

Plotkin: Yes

Siri: Tongue?

Plotkin: I don't recall, but probably yes.

Siri: In your entire career- this was just one study. So I'm going to ask you again, in your entire career, how many fetuses have you worked with approximately?

Plotkin: Well, I don't remember the exact number, but quite a few when we were studying them originally *before we decided to use them to make vaccines*.

Siri: Have you ever used orphans to study an experimental vaccine?

Plotkin: Yes.

Siri: Have you ever used the mentally handicapped to study an experimental vaccine?

Plotkin: Yes.

Siri: Is one of the things you wrote: The question as to whether we are to have experiments performed on fully functioning adults and on children which are potentially contributors to society *or to perform initial studies in children and adults who are human in form but not in social potential?*

Plotkin: Yes

Siri: Have you ever used babies of mothers in prison to study an experimental vaccine?

Plotkin: Yes

Siri: Have you ever used individuals under colonial rule to study an experimental vaccine?

Plotkin: Yes

Siri: Did you do so in the Belgian Congo?

Plotkin: Yes

Siri: Did that experiment involve almost a million people?

Plotkin: Well, yes

Excerpts from the Deposition Transcript of Dr. Stanley Plotkin taken under oath with penalties of perjury on January 11, 2018 in New Hope, PA, pgs. 343-344.⁴

25. The aborted fetuses were meticulously screened **prior** to the abortion. Stanley Plotkin further testified under oath as follows:

"This fetus was chosen by Dr. Sven Gard, specifically for this purpose. Both parents are known, and unfortunately for the story, they are married to each other, still alive and well, and living in Stockholm, presumably. The abortion was done because they felt they had too many children. There were no familial diseases in the history of either parent, and no history of cancer specifically in the families." Plotkin Deposition Transcript.

26. Dr. Peter McCullagh, an immunologist, wrote the book, *The Fetus as Transplant Donor: The Scientific, Social and Ethical Perspectives*, on the methods used in harvesting fetal tissue for vaccines. He writes:

⁴ *Matheson v. Schmitt*, State of Michigan, Circuit Court for the County of Oakland, Family Division, Case No. 2015-831539-DM

"They would puncture the sac of a pregnant woman at 14 to 16 weeks, put a clamp on the head of the baby, pull the head down into the neck of the womb, drill a hole into the baby's head and attach a suction machine to remove the brain cells....At 16 to 21 weeks, they would do prostaglandin abortions where a chemical is injected into the womb causing the woman to go into mini-labor and pass the baby. Fifty percent of the time, the baby would be born alive, but that didn't stop them. They would simply open up the abdomen of the baby with no anesthesia, and take out the liver and kidneys, etc."

27. "It is my expert opinion that there is a sound and valid biological and scientific basis for persons, whose religious beliefs do not allow involvement in or benefit from human fetal abortions, to refuse vaccination when the origin of the vaccine from aborted human fetuses is not in question." (Affidavit of James L. Sherley, M.D., Ph.D., ¶ 30).

28. "Many of the multiple vaccines required for education in Connecticut (e.g., for hepatitis A, rubella, varicella) are still produced using one of two cell strains (either WI-38 or MRC-5) derived from the tissues of electively aborted fetal human beings. Health care providers are able to identify the vaccines produced with these cell strains. Families forced to have their children injected with these vaccines against their religious beliefs experience much more than a one-time intrusion on their privacy. The required schedule of multiple vaccinations over several years poses a chronic assault with deep, injurious distress in their lives and the lives of their children." (Affidavit of James L. Sherley, M.D., Ph.D., ¶ 31).

29. “Voluntary abortion is an intrinsically evil act because it is the direct deliberate termination of a human life. It is a violation of the fifth commandment of the decalogue as well as consistent perennial doctrine. Since the first century the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable. Direct abortion, that is to say, abortion willed either as an end or a means, is gravely contrary to the moral law” Catechism of the Catholic Church, Second Edition.” #2271. (Affidavit of Reverend Father Michael E. P. Copenhagen, S.T.B., ¶ 6).

30. “Involvement, direct or otherwise, with the original abortion which procured these fetal cell lines for research and development is not the only grave moral issue at play in the production and distribution of these vaccine products. Christian tradition views the human body as a kind of temple fashioned by God, made in His image and likeness, and capable of being His dwelling in a new way through Baptism. The use and commercial exploitation of these cell lines constitutes a type of desecration of the body which is repugnant to Christian belief. Specifically, Christian tradition holds that the remains of the dead must be buried rather than exploited. In instances where the tissue of donors is used, there is consistent teaching that said tissues must be donated and permission given without the sale, exchange, or commercialization of the same.”

(Affidavit of Reverend Father Michael E. P. Copenhagen, S.T.B., ¶ 7).

31. “The commercialization of these cell lines is part of a great bioethical crisis. In God’s unsearchable wisdom, all four gospels prefigure and condemn it in the most visible incident of Divine wrath during Christ’s earthly life: the cleansing of the Temple. [Matthew 21:12-17; Mark 11:15-19; Luke 19:45-48; John 2:13-21]. In His

perfectly just and merciful anger, Jesus Christ corrects the desecration of the Creator's presence at the hands of corrupt creatures who have gone so far as to perversely refashion the sacred into an instrument for the commercial abuse of the innocent. From Old Testament to New, including the deeds and words of Saint Paul and Christ Himself, throughout the entire Christian tradition, the Temple is an explicit image of the body as the dwelling place of God. The human body is the most sacred of all parts of the natural material creation, the home of a rational immortal soul fashioned from the beginning in God's image and likeness, the chosen supernatural vessel of God Himself upon entering the material world. Yet around us, the body is defiled in the same manner as was the Temple. This leads to the undeniable conclusion that God disapproves of this exploitation." (Affidavit of Reverend Father Michael E. P. Copenhagen, S.T.B., ¶ 8).

32. One ought to recall the following words of Pope John Paul II regarding the dignity of unborn human life: "The inviolability of the person which is a reflection of the absolute inviolability of God, finds its primary and fundamental expression in the inviolability of human life. Above all, the common outcry, which is justly made on behalf of human rights — for example, the right to health, to home, to work, to family, to culture — is false and illusory if the right to life, the most basic and fundamental right and the condition for all other personal rights, is not defended with maximum determination" (*Christifideles Laici*, 38). Using vaccines made from the cells of murdered unborn children contradicts a "maximum determination" to defend unborn life.

33. The Vatican says: "practical reason makes evident that vaccination is not, as a rule, a moral obligation and that, therefore, *it must be voluntary.... Those who,*

however, for reasons of conscience, refuse vaccines produced with cell lines from aborted fetuses, must do their utmost to avoid, by other prophylactic means and appropriate behavior, becoming vehicles for the transmission of the infectious agent.'

34. Plaintiffs cannot morally receive any of the vaccines without compromising their closely held religious beliefs. Their faith also instructs them that vaccination is not morally obligatory in principle and therefore must be voluntary; that there is a general moral duty to refuse the use of medical products, including certain vaccines, that are produced using human cell lines derived from direct abortions; that Plaintiffs are morally required to obey their sure conscience; and that abortion is a sin and contrary to the teachings of the Bible.

35. Plaintiffs have a right to act in conscience so as to personally make moral decisions and cannot be forced to act contrary to their conscience. Plaintiffs cannot in good conscience receive a vaccine that has been produced using an aborted child.

36. Mandating that Plaintiffs inoculate their children with vaccines produced or tested utilizing cell lines derived from aborted fetuses, which are obtained in the most immoral, evil and abhorrent manner, is against their sincere and genuine religious and conscientious beliefs, and substantially restricts and burdens Plaintiffs' religious practice and is an unreasonable and permanent interference with their religious freedoms.

37. Mandating that Plaintiffs inoculate their children against their most sacred religious tenets with vaccines which will defile their children's blood by inoculating their children with vaccines comprised of materials derived from animals, including *bovine serum, calf skin, monkey kidney tissue, porcine blood, pig or pork gelatin, horse blood,*

canine kidney tissue, human embryonic lung cultures, chicken embryos, embryonic guinea pig cell cultures, and of course, the antigens (active ingredients of vaccinations) are cultured in blood burden the sincerely held religious and conscientious beliefs of Plaintiffs.

38. Plaintiffs also object to the compelled vaccination of their children because it is their sincerely held religious belief that our bodies are our temples wherein lies the Holy Spirit: and vaccines desecrate the Holy temples of their children's bodies by forever altering their innate immune systems.

39. As of the time that Public Act 21-6 was enacted in April 2021, on information and belief, there were schools and districts in Connecticut that had vaccination rates substantially lower than that of the state as a whole, irrespective of the percentage of Religious Exemptions on file in those schools and districts.

40. Thus, in terms of the vaccine requirements, Connecticut has four distinct groups of students; those who are: (a) fully compliant with the vaccine mandate and are vaccinated, (b) secular non-compliant with the mandated vaccine schedule (who do not have a Religious Exemption or Medical Exemption); (c) not compliant with the mandated vaccine schedule due to a Medical Exemption, and (d) not compliant with the mandated vaccine schedule due to a Religious Exemption.

41. As of the time that Public Act 21-6 was enacted in April 2021, the defendants made little or no effort to either enforce the vaccine requirements of C.G.S. §10-204a as to the group of students who are not compliant with the mandated vaccine schedule and who do not have a Religious Exemption or Medical Exemption.

42. As of the time that Public Act 21-6 was enacted in April 2021, the defendants made little or no effort to either increase school vaccination rates statewide, or specifically increase compliance in the schools and districts that had substantially lower vaccination rates than did the state as a whole.

43. At the time that Public Act 21-6 was enacted in April 2021, Connecticut's statewide school vaccination rate was among the highest in the nation, well above the CDC's generally recommended rate of 95%.

44. As of the time that Public Act 21-6 was enacted in April 2021, the defendants did not make any meaningful effort to employ means of increasing statewide school vaccination rates that were less restrictive than the wholesale elimination of the Religious Exemption.

45. As of the time that Public Act 21-6 was enacted in April 2021, the state had no compelling interest in increasing the already-ample statewide school vaccination rate.

46. As of the time that Public Act 21-6 was enacted in April 2021, the state had no compelling interest in removing the long-standing Religious Exemption.

47. Public Act 21-6's elimination of the Religious Exemption, which has existed since the current school vaccine requirements were enacted in 1959, was the MOST restrictive means of increasing Connecticut's already extraordinarily high school vaccination rates, not the LEAST restrictive.

48. Mandating that Plaintiffs inoculate their children with vaccines is an *unreasonable* and *permanent* interference with Plaintiffs' religious practice because the inoculation cannot be undone and **permanently alters the immune system**. Plaintiffs

believe that permanently altering their children's immune systems is an extraordinarily intrusive burden on their free exercise of religion.

49. Besides violating the Religious Freedom Restoration Act of Connecticut, there are several important Connecticut Constitutional issues with the Repeal. First and foremost, Article I, Section III of the Connecticut Constitution states that "the Free Exercise of Religion shall *forever* be allowed in Connecticut." In addition, the Repeal violates Article I, Section XX of the Connecticut Constitution, which guarantees "that no person in the State shall be denied the equal protection of law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights because of religion." It also violates Article VIII, Section I of the Connecticut Constitution which guarantees access to "free public elementary and secondary schools" to all children in the state.

50. Accordingly, since the Repeal violates the Religious Freedom Restoration Act (52-571b), several principles of both the Connecticut and Federal Constitutions, Public Act 21-6 is invalid, and a preliminary injunction should be granted to hold the parties in *status quo* while these statutory and constitutional issues are determined in a judicious manner.

**AS AND FOR A FIRST CAUSE OF ACTION-
Violation of the Religious Freedom Restoration Act-(C.G.S. 52-571b)**

51. Plaintiffs incorporate the foregoing as if fully written herein.

52. Pursuant to RFRA (C.G.S. 52-571b), “in general Government shall not burden a person’s exercise of religion even if the burden results from a rule of general applicability, with an exception.”

53. Pursuant to RFRA (C.G.S. 52-571b), “Exception. Government may burden a person’s exercise of religion only if it demonstrates that application of the burden to the person - (1) is in furtherance of a compelling government interest; and (2) is the least restrictive means of furthering that compelling governmental interest.”

54. Defendants have burdened, and continue to burden, Plaintiffs’ exercise of religion, in light of the removal of the religious exemption to the vaccine mandate, and do so not in furtherance of a compelling governmental interest, and do so in a manner that is not the least restrictive means of furthering any compelling governmental interest, should there be one.

55. Pursuant to RFRA (C.G.S. 52-571b), “a person whose religious exercise has been burdened in violation of this section may assert that violation as a claim in a judicial proceeding and obtain appropriate relief against the Government.”

**AS AND FOR A SECOND CAUSE OF ACTION-
Violation of Article I, Section 3 of the Connecticut Constitution
(Free Exercise of Religion)**

56. Plaintiffs incorporate the foregoing as if fully written herein.

57. Article I, Section III of the Connecticut Constitution states that "the Free Exercise of Religion shall *forever* be allowed in Connecticut." Article I, Section III of the Connecticut Constitution protects the "free exercise" of religion.

58. A law burdening religious practice that is not neutral or not of general application must undergo the most rigorous of scrutiny.

59. A law "lacks general applicability if it prohibits religious conduct while permitting secular conduct that undermines the government's interest in a similar way."

60. Accordingly, where a State extends discretionary exemptions to a policy, it must grant exemptions for cases of religious hardship or present compelling reasons not to do so.

61. Defendants' actions, as described herein, including hostility towards religious beliefs, as well as allowing secular exemptions from its policies, while removing religious exemptions, constitute a violation of Connecticut's Free Exercise Clause of Article I, Section III of the Connecticut Constitution.

62. Defendants' actions create an unreasonable and permanent interference in the religious freedoms of Plaintiffs and thereby violate the Connecticut Constitution.

63. Defendants do not establish a compelling interest in removing Plaintiffs' religious exemptions while granting medical exemptions and allowing secular non compliant students to remain in school.

**AS AND FOR A THIRD CAUSE OF ACTION-
Violation of Article I, Section 10 of the Connecticut Constitution
(Equal Protection)**

64. Plaintiffs incorporate the foregoing as if fully written herein.

65. Defendant's actions intentionally treat religious students differently not only from vaccine compliant students, but from medically exempt students and secular vaccine non-compliant students who have no exemption at all.

66. Classifications that "impinge upon the exercise of a fundamental right" are "presumptively invidious" and subject to strict scrutiny. *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985).

67. "A statutory classification warrants some form of heightened review because it jeopardizes exercise of a fundamental right." *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992).

68. Defendants have never explained their reasons for treating students with religious exemptions differently from students with medical exemptions or no exemptions at all.

69. Defendant's actions in removing the religious exemptions deprive Plaintiffs of the equal protection of the laws guaranteed by both the Connecticut and United States Constitution.

70. At all relevant times, Defendants' actions were taken under color of state law.

**AS AND FOR A FOURTH CAUSE OF ACTION-
Violation of Article VIII, Section 1 of the Connecticut Constitution
(Right to Education)**

71. Plaintiffs incorporate the foregoing as if fully written herein.

72. Defendant's actions intentionally force upon Plaintiffs a "Hobson's Choice," *i.e.*, they must either abandon their constitutionally protected religious freedom or their constitutionally protected right to an education.

73. Defendant's actions intentionally treat religious students differently from medically exempt students and from secular students with no exemption, regarding their right to an education.

74. Article VIII, Section 1 reads as follows: "There shall always be free public elementary and secondary schools in the state."

75. Defendant Governor Lamont was aware of the right to education enshrined in the Connecticut Constitution during a radio interview on April 22, 2021. However, only five days later on April 27, 2021, he signed Public Act 21-6, which deprived Plaintiff's children, and other children from religious families, of their right to an education in Connecticut. (*"We have an obligation to provide a public education to people whether they're vaccinated or not."* - Governor Ned Lamont, April 22, 2021)

76. At all relevant times, Defendants' actions were taken under color of state law.

77. Defendant's actions effectively deprive Child 1 and Child 2 of their Constitutional right to a free education.

**AS AND FOR A FIFTH CAUSE OF ACTION-
Violation of First Amendment of the United States Constitution, as incorporated
against Connecticut by the Fourteenth Amendment
(Free Exercise Clause)**

78. Plaintiffs incorporate the foregoing as if fully written herein.

79. The First Amendment to the United States Constitution reads in part:
“Congress shall make no law respecting an establishment of religion, or prohibiting the
free exercise thereof”.

80. The First Amendment is incorporated against the states by the Fourteenth
Amendment of the United States Constitution and by the Supreme Court by *Cantwell v.
Connecticut* (1940).

81. A law burdening religious practice that is not neutral or not of general
application must undergo the most rigorous of scrutiny.

82. Public Act 21-6 leaves in place the right of a parent to obtain a Medical
Exemption, at the sole discretion of Defendants.

83. A law “lacks general applicability if it prohibits religious conduct while
permitting secular conduct that undermines the government’s interest in a similar way.”

84. Accordingly, where a State extends discretionary exemptions to a policy, it
must grant exemptions for cases of religious hardship or present compelling reasons not to
do so.

85. Defendants’ actions, as described herein, including hostility towards
religious beliefs, as well as allowing secular exemptions from its policies, while removing

religious exemptions, constitute a violation of the First Amendment to the United States Constitution.

86. Defendants' actions create an unreasonable and permanent interference in the religious freedoms of Plaintiffs and thereby violate the United States Constitution.

87. Defendants do not establish a compelling interest in removing Plaintiffs' religious exemptions while granting medical exemptions and allowing secular non-compliant students to remain in school.

88. At all relevant times, Defendants' actions were taken under color of state law.

**AS AND FOR A SIXTH CAUSE OF ACTION-
Violation of the Fourteenth Amendment of the United States Constitution
(Equal Protection Clause)**

89. Plaintiffs incorporate the foregoing as if fully written herein.

90. Defendant's actions intentionally treat religious students differently not only from vaccine compliant students, but from medically exempt students and secular vaccine non-compliant students who have no exemption at all.

91. Classifications that "impinge upon the exercise of a fundamental right" are "presumptively invidious" and subject to strict scrutiny. *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985).

92. "A statutory classification warrants some form of heightened review because it jeopardizes exercise of a fundamental right." *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992).

93. Defendants have never explained their reasons for treating students with religious exemptions differently from students with medical exemptions or no exemptions at all.

94. Defendant's actions in removing the religious exemptions deprive Plaintiffs of the equal protection of the laws guaranteed by the United States Constitution.

95. At all relevant times, Defendants' actions were taken under color of state law.

**AS AND FOR A SEVENTH CAUSE OF ACTION-
(Preliminary Injunction)**

96. Plaintiffs incorporate the foregoing as if fully written herein.

97. As a result of Defendants' actions, Plaintiffs are again left with a Hobson's Choice: they either give up their constitutional religious freedoms or they begin, as soon as possible, to administer all of the vaccines required by C.G.S. §10-204a, in order to render Child 1 and Child 2 eligible for school in the Fall of this year.

98. No money damages can compensate for either Defendants': (a) compelling Plaintiffs to forego their religious freedoms and to have Child 1 and Child 2 fully vaccinated; (b) compelling Plaintiffs to choose between foregoing their deeply held religious beliefs or, either i) homeschooling Child #1 and Child #2, ii) homeschooling both of their respective children, or iii) relocating to a state that respects religious freedom and provides for Religious Exemptions; or (c) denial of Child #1's and Child #2's right to a free education.

99. The Elementary School enrolment process for the Fall of 2022 for all children in Connecticut, including Child #1 and Child #2, has already begun; as a result of Defendants aforementioned actions, however, Child #1 and Child #2 are effectively precluded from enrolling absent the timely intervention of this Honorable Court as requested herein.

100. As a result of Defendants' actions, Plaintiffs have no adequate remedy at law for the deprivation of their statutory and constitutional rights.

101. Plaintiffs will be irreparably harmed in the absence of declaratory and injunctive relief.

102. This is a case of first impression in the United States, as Connecticut is the first state ever to repeal a school vaccine Religious Exemption in the face of a state Religious Freedom Restoration Act statute.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against Defendants as prayed for, including:

A. That this Honorable Court issue preliminary injunctive relief, to preclude Defendants from taking enforcement action against Plaintiffs, compelling vaccination of Plaintiffs children, and/or preventing Plaintiffs' children from attending school in Connecticut in the Fall of this year, during the pendency of this matter;

B. That this Honorable Court issue permanent injunctive relief for the reasons and in the manner described in ¶A above;

C. That this Honorable Court issue a declaration that the challenged Public Act 21-6, and the consequently amended state of C.G.S. §10-204a, are illegal and unconstitutional under C.G.S. §52-571b (RFRA) and/or the Free Exercise Clause and/or the Equal Protection Clause of the Connecticut and United States Constitutions, as applied to Plaintiffs and others who can no longer submit religious exemptions and whose sincerely held religious beliefs have been burdened;

D. Such other relief as this Court shall deem just and proper.

Respectfully submitted,
PLAINTIFFS

By: 

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EXHIBIT A

AFFIDAVIT OF JAMES L. SHERLEY, M.D., PH.D.

1. I, James L. Sherley, am over the age of eighteen, reside in Boston, Massachusetts, and understand the obligations of an oath. Being duly sworn, I hereby state the following:
2. I received a Bachelor of the Arts degree in Biology from Harvard College in 1980. Thereafter, I trained to be a physician scientist at the Johns Hopkins University School of Medicine, earning joint degrees in Medicine and Doctor of Philosophy in the fields of Molecular Biology and Genetics in 1988. From 1988 to 1991, I pursued post-doctoral research training in the Princeton University Department of Molecular Biology. My research focused on mechanisms of cancer development. In 1991, I joined the Fox Chase Cancer Center as a principal investigator and led research teams in cancer cell research until 1998. My next faculty appointment was at the Massachusetts Institute Technology (MIT), where I initiated research programs in human stem cell biology and tissue stem cell bioengineering. In 2007, I continued to lead research programs in cancer and stem cell biology as a senior scientist at Boston Biomedical Research Institute (BBRI).
3. My extensive training and research contributions in adult tissue stem cell biology have led to my international recognition as an expert in stem cell biology. While at MIT and BBRI, on several occasions, I have provided expert legal testimony on the biology of nascent human beings and human embryonic stem cell research.
4. I moved from BBRI in 2013 to found Asymmetrex, LLC. Currently, I am the President and Chief Executive Officer of Asymmetrex. Asymmetrex is a for-profit biotechnology company that develops and markets new and innovative technologies for advancing stem

cell medicine. While leading Asymmetrex, I continue to serve the public by providing education and expert testimony on the nature of human life from its earliest embryonic form.

5. More recently my public service education work has included writing, testimony, and presentations on the use of human fetus-derived cells and tissues in biomedical research, including vaccine development and production.
6. For the reasons set forth below, it is my expert opinion that, based on modern medical science standards, an unborn child, at every stage of life and development, from the very beginning of life, is a living human being. Therefore, using cells derived from aborted human beings of fetal age to develop, produce, or certify vaccines makes vaccination with those vaccines an impermissible trespass for individuals whose religious beliefs dictate that the abortion of a human life is wrong, immoral, and not allowed within their faith.
7. My knowledge of the nature of nascent human life derives from both my medical and biological science education and professional research practice. I have written peer-reviewed publications on the specific topic [Sherley, J. L. (2008) "The Importance of Valid Disclosures in the Human Embryonic Stem Cell Research Debate," *Cell Prolif.* 41 (Suppl. 1) 57-64; Sherley, J. L. (2012/3) "Presumptions of Scientific Knowledge In the Evolution of Ethical Policies for Nascent Individuals," *Ethics in Biol. Engineer. Med. - An Internat. J.* 3, 195-208].
8. My knowledge of the use of fetal cells and tissues for biomedical research, and in particular vaccine production, derives from my medical education, biomedicine development training, and professional biotechnology development practice. I have recently co-authored both peer-reviewed publications [Sander Lee, T., Feeney, M.B., Schmainda, K.

M., Sherley, J. L., and Prentice, D. A. (2020) "Human Fetal Tissue from Elective Abortions in Research and Medicine: Science, Ethics, and Law." *Issues in Law & Med* 35, 3-61] and public service education articles [Sherley, J. L., and Prentice, D. 2020. An ethics assessment of COVID-19 vaccine programs. <https://lozierinstitute.org/an-ethics-assessment-of-covid-19-vaccine-programs/>; Sander Lee, T. and Sherley, J. L. 2020. A policy and funding evaluation of human fetal tissue research. <https://lozierinstitute.org/a-policy-and-funding-evaluation-of-human-fetal-tissue-research/>] on the topic.

9. Like all other mammals, a human life begins with the productive fertilization of a human ovum by a human sperm, producing a fertilized egg. More generally described, a human life begins whenever a complete human genome is activated within the specialized cytoplasm of a human ovum, producing a fertilized egg.
10. The fertilized egg is recognized as a single-cell human embryo in its zygote phase of development.
11. Given a supportive environment in the human uterus, a zygote will autonomously progress through the successive stages of human embryonic, fetal, neonatal, and childhood development to become an adult human being. These are established facts of human development based on their complete observation in other mammals as models of human biology and the demonstration of human in vitro fertilization.
12. The now well-recognized ability to produce living human beings from human eggs produced by in vitro fertilization ends any and all doubt or uncertainty that a fertilized egg is a human life.
13. The earlier debated question, "When does life begin?" has no standing in modern medical science.

14. The zygote, the single fertilized human egg, meets all present-day medical science standards for being a living human being.
15. First and foremost, being a member of the human species is engendered by the complete human genome that is assembled with the formation of a zygote by fertilization.
16. Second, the zygote is alive. It meets the standard of taking up energy and converting it into the work of life. The energy is chemical in the form of nutrients that are provided naturally by the uterine environment, or in the case of in vitro fertilization, by defined culture media.
17. The work of life is cell division, the process by which a single cell duplicates itself to become two. Soon after its formation, the zygote divides to begin the next steps of human development.
18. During development from nascent zygote to postnatal mature human being, the developing human being is always human. At no developmental stage does a conceived human being stop being human. Experts of human embryology and human developmental biology do not dispute these principles. They are textbook concepts, understood by the earliest students of human biology and medicine.
19. Early human embryonic forms, and even fetal forms, may seem alien and even animal-like to non-experts. Even among experts the phrase, "ontology recapitulates phylogeny," now long obsolete, may have confused this issue for some in the past. This is a now antiquated reference to the observation that early development forms for mammals, including humans, bear a superficial resemblance to mature animal species that are less evolutionarily advanced. Hearing this phrase may have confused non-experts to thinking that earlier human developmental forms were also different organismal species.

20. Modern DNA sequencing technology leaves no doubt that every stage of human development, no matter how morphologically distinct, is still human in every way. The species-defining human genome in the nascent human zygote is also present later in every cell at every stage of human development.

In 1973, at the time of the Supreme Court's ruling in *Roe*, there was sufficient medical science knowledge available for the Court to recognize that human life begins with fertilization or any other process that results in the activation of a complete human genome in the cytoplasm of a human ovum. This understanding was certainly clear from animal research for which in vitro fertilization was already established. However, in its effort to reduce a 3-body legal question to a more legally manageable, and conventional, 2-body legal question, the court did not include the human developmental science of the day in its decision. Instead, the Court coined the question, "When does a human life begin?" and ruled, based on an argument that did not include the relevant science of the day, that the answer was uncertain.

21. Since *Roe*, the scientific evidence that fertilization is the beginning of a human life is now widely understood because of the thousands of babies worldwide who are developed and born from the conception of human zygotes formed by combining human ova and sperm during in vitro fertilization.

22. The current scientific thinking on human development is well established and generally well accepted. The earliest human form, the zygote, is a living, human being. Allowed a supportive environment, it will autonomously complete its natural developmental process to become a mature human being.

23. The early stages of development occur in the uterus, but with modern assisted reproductive technology, the earliest stages of development can be initiated in vitro and held dormant by cryopreservation. The later and final stages of development are completed after birth.
24. We know the child in the womb is, at all times, human because of its unchanging human genome.
25. We know the child in the womb is, at all times, living because of its use of chemical energy which it converts into the work of its many developmental steps, which all include the essential work of life, cell division.
26. We know the child in the womb, at all times, has his, her, or their being because nothing occurs during human development that could make it otherwise.
27. There is no biological basis for defining birth as the event that converts human beings into legal persons. The child before birth is certainly essentially the same person immediately after his, her, or their birth.
28. If the U.S. Constitution allows for all *human beings* to have equal rights and protections under the law, then even the youngest human beings must have the same rights and protections. Like life, constitutional privacy begins at conception.
- With the clear biological evidence that even the single-cell human zygote is a human being, the Court must acknowledge and rule based on this scientific fact. The Court's way out of its vexing dilemma should not be to ignore the biological science of human conception.
29. It follows from this now well-established and accepted biological science of human conception, that the capacity of a fetal person to remain alive, if removed prematurely from its mother's womb during her pregnancy, cannot be conflated with viability, which is a person's state of being alive. The state of being alive is not defined by independent

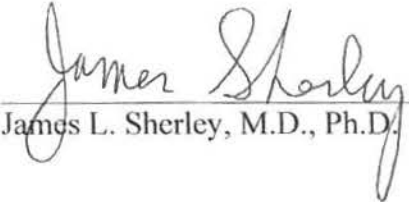
survivability. The survivability of all human beings at all stages of human development depends on their environmental conditions. The impact of prematurely removing a fetal person from the womb is equivalent to holding a mature person under water. Two lives are lost, because of a forced change in their natural environmental conditions. The fact that they are unable to survive the detrimental effects of the change in their environment does not negate their viability or their humanity. Independent survivability does not define viability or moral worth.

30. For these reasons set forth above, it is my expert opinion that there is a sound and valid biological and scientific basis for persons, whose religious beliefs do not allow involvement in or benefit from human fetal abortions, to refuse vaccination when the origin of the vaccine from aborted human fetuses is not in question.
31. Many of the multiple vaccines required for education in Connecticut (*e.g.*, for hepatitis A, rubella, varicella) are still produced using one of two cell strains (either WI-38 or MRC-5) derived from the tissues of electively aborted fetal human beings. Health care providers are able to identify the vaccines produced with these cell strains. Families forced to have their children injected with these vaccines against their religious beliefs experience much more than a one-time intrusion on their privacy. The required schedule of multiple vaccinations over several years poses a chronic assault with deep, injurious distress in their lives and the lives of their children.
32. A final important consideration, recognizing the health concerns associated with opting out from vaccination for childhood infectious diseases, is that there are many examples of effective vaccines that are no longer developed, produced, or certified with fetal-derived cells. The same types of alternative, ethically and morally sound, cells could also be used

to produce all needed vaccines. Persons demanding their right to freedom from religious oppression are in fact leading our society and world to better solutions for effective vaccine production and acceptance.

33. This affidavit is a complete representation of the facts to which I am swearing, and I could, if called, testify to these facts in court.

SIGNED UNDER THE PAINS AND PENALTIES OF
PERJURY.


James L. Sherley, M.D., Ph.D.



Notary public: Joao Pinacabral
ex: 02-20-2026



EXHIBIT B

AFFIDAVIT OF REVEREND FATHER MICHAEL E. P. COPENHAGEN, S.T.B.

1. I, Reverend Father Michael E. P. Copenhagen, am over the age of eighteen, reside in Gates, New York, and understand the obligations of an oath. Being duly sworn, I hereby state the following.
2. Since 2015, I have been a duly ordained Catholic priest in good standing of the Eparchy of Newton, a jurisdiction of the Melkite Catholic Church Sui Juris, one of twenty-four ritual churches—the largest being the Roman Catholic (“Latin”) Church—all of which share equal dignity and rights in communion with the Apostolic See of Rome and the current reigning Supreme Pontiff.
3. I am the administrator of a local parish church with full spiritual and preaching faculties as well as a teacher of various subjects at the high school level, including theology, philosophy, and bioethical topics from a religious point of view. I hold an S.T.B. (M.Div. equivalent) Magna Cum Laude (2008) from the Pontifical University of Saint Thomas Aquinas in Rome, Italy, and a B.A. Summa Cum Laude (2005) from the University of Scranton.
4. As a married member of the clergy, I am father to six children, four of whom are grammar or middle school aged and have not been permitted to attend any form of in-person organized instruction in New York State since July of 2019 when the religious exemption to vaccination was repealed by the State Legislature. Our objection to vaccination was based on our

knowledge of the use of aborted fetal cell lines for viral replication to manufacture various relevant products for which there was no available alternative, including the Measles Mumps and Rubella inoculations. To maintain my various responsibilities, including teaching in a school that my own children cannot attend by state mandate, my family is forced to homeschool.

5. There are a sizable number within my own Christian Church as well as various denominations who hold similar views to mine and who have reached a similar position based on interpretation of Received Tradition and Sacred Scripture, including bishops and priests in good standing.
6. Voluntary abortion is an intrinsically evil act because it is the direct deliberate termination of a human life. It is a violation of the fifth commandment of the decalogue as well as consistent perennial doctrine. "Since the first century the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable. Direct abortion, that is to say, abortion willed either as an end or a means, is gravely contrary to the moral law" Catechism of the Catholic Church, Second Edition." #2271.
7. Involvement, direct or otherwise, with the original abortion which procured these fetal cell lines for research and development is not the only grave moral issue at play in the production and distribution of these vaccine products. Christian tradition views the human body as a kind of temple fashioned by God, made in His image and likeness, and capable of being His dwelling in a new way through Baptism. The use and commercial exploitation of these cell

lines constitutes a type of desecration of the body which is repugnant to Christian belief. Specifically, Christian tradition holds that the remains of the dead must be buried rather than exploited. In instances where the tissue of donors is used, there is consistent teaching that said tissues must be donated and permission given without the sale, exchange, or commercialization of the same.

8. The commercialization of these cell lines is part of a great bioethical crisis. In God's unsearchable wisdom, all four gospels prefigure and condemn it in the most visible incident of Divine wrath during Christ's earthly life: the cleansing of the Temple. [Matthew 21:12-17; Mark 11:15-19; Luke 19:45-48; John 2:13-21]. In His perfectly just and merciful anger, Jesus Christ corrects the desecration of the Creator's presence at the hands of corrupt creatures who have gone so far as to perversely refashion the sacred into an instrument for the commercial abuse of the innocent. From Old Testament to New, including the deeds and words of Saint Paul and Christ Himself, throughout the entire Christian tradition, the Temple is an explicit image of the body as the dwelling place of God. The human body is the most sacred of all parts of the natural material creation, the home of a rational immortal soul fashioned from the beginning in God's image and likeness, the chosen supernatural vessel of God Himself upon entering the material world. Yet around us, the body is defiled in the same manner as was the Temple. This leads to the undeniable conclusion that God disapproves of this exploitation.
9. In Christian belief, the ultimate purpose of commerce is to provide a means toward the end of sustaining human life. Yet the lesser subverts the higher, end is enslaved to means when the sacred precincts of the human body are reduced to a commercial object. This is the precise

category of sin where seemingly disconnected yet expanding bioethical travesties of the hour converge: a profit driven abortion industry including the de facto state protected sale of baby parts; an emerging state managed industrial health bureaucracy which secures its bottom line through the final solution of euthanasia or by pushing expensive, often dangerous, and even unnecessary drugs; toleration and even cooperation with the human slavery in China and elsewhere, including murder for the harvesting of organs; the suggestion in Western medical journals that euthanasia can feed the demand for organs; the abuse of state power including exclusion from public life and commerce to enforce for-profit medical mandates on citizens; and the production, marketing, and even mandating of medical products made with the mortal remains of murdered children even to the point of containing their fragmentary DNA, the map of their physical identity.

10. Many have ignored serious questions beyond direct involvement with the original abortion itself in the attempt to sanitize these vaccines and justify their use on the grounds of proportionality with some competing interest, usually public health. In this vein, the discussion of fetal cell lines used to produce various treatments is often limited to an emphasis on the distance in time, matter, action, and intention from the original abortion. **Yet, while it is one thing to murder my neighbor, it is something entirely more to dissect, claim possession, patent, exploit, and even sell an elixir containing the child's mortal remains, and something still more to pervert the divine command that I love my neighbor into a moral imperative to receive remnants of his murdered body in my own person.** One hears the exclusive criterion of "remote cooperation in abortion" used again and again, yet the more

specific and immediate issue of trafficking human remains is too often sidestepped, receiving insufficient consideration in itself.

11. In conjunction with a substantial number of believing Christians, I affirm that such trafficking of human remains constitutes an intrinsically evil act worthy of formal condemnation. If this is correct, then any claim of proportionality collapses into a species of consequentialism, a condemned position that the ends justify inherently evil means. Irrespective of any competing public health interest, immediate involvement in an intrinsically evil act is never permissible because the act is always corrupt in itself and cannot be vindicated by good intentions or other circumstances. The phrase in Catholic moral tradition is that “it is never permissible to do evil for a good end.”
12. The nature of this evil is to make a commercial and proprietary object of something which is sacred and thereby inherently non-commercial and non-proprietary. The notion that such commerce is evil *even apart from abortion* is not new although abortion adds significantly to the gravity. “The corpses of human embryos and fetuses, whether they have been deliberately aborted or not, must be respected just as the remains of other human beings...in the case of dead fetuses, as for the corpses of adult persons, all commercial trafficking must be considered illicit and should be prohibited. (Congregation for the Doctrine of the Faith, Instruction *Donum vitae*, I, 4: AAS 80 (1988)).”
13. More specifically, Pope John Paul II states that such trafficking of human remains is indeed intrinsically evil: “Accordingly, any procedure which tends to commercialize human organs

or to consider them as items of exchange or trade must be considered morally unacceptable, because to use the body as an 'object' is to violate the dignity of the human person." (Address of the Holy Father John Paul II to the 18th international congress of the Transplantation Society Tuesday 29 August 2000).

14. If one would argue that mortal remains are of no sacred consequence, then what significance or purpose can there be to Christ's bodily Resurrection. Christianity's founding mystery, or the General Resurrection? Sacred things can never be sold, be they sacraments, relics, or human remains. When the value of a thing resides in its sacred character, the value derives from the generosity of God who makes it sacred and gives it as a gift. A monetary valuation—like charging \$10 for the Eucharist or selling Baptism—profanes its character with respect to God, and even becomes a species of theft, because what is intended to be a gift for some higher purpose by the ultimate divine owner and free giver has been unjustly appropriated as a means of profit by a middleman. It is analogous in the secular realm to stealing and selling trees from a public park which have been set aside and designated for the higher aims of society. The analogy breaks down because trees are set aside conditionally by the state, whereas humans are inherently set apart by and for God. The legitimate custody and transfer of something inviolably sacred should always be viewed as a kind of stewardship and must never violate the rights to voluntary donation by the God-given custodian, which is impossible with these cell lines due to the murder involved in their procurement.
15. If such activity is never permissible then one might object that we are not dealing with human remains. In this vein, the cell lines are often described as "illicit biological material," a euphemistic fallacy of vagueness revealing a hesitancy to actually define the very centerpiece

of discussion. To commit to these cell lines and remnant DNA in medical consumables as what they really are—human remains—would, based on the teaching of Pope John Paul II, eviscerate any grounds to justify trafficking them with an argument of proportionality: “In effect, the human body is always a personal body, the body of a person. The body cannot be treated as a merely physical or biological entity, nor can its organs and tissues ever be used as items for sale or exchange. Such a reductive materialist conception would lead to a merely instrumental use of the body, and therefore of the person... [This] would amount to the dispossession or plundering of a body.” (Address of His Holiness John Paul II to the Participants of the First International congress of the Society for Organ Sharing, Thursday, 20 June 1991). Again, this applies if the cells and DNA are truly human remains.

16. What if one were to argue that these cells and remnant DNA in the final vaccine doses are sufficiently small or broken down so as to lose the sacred character of human remains? If this were so, then the Church’s practice of venerating a saint’s tiny relic with an equal dignity to the whole body would have no grounds. We collect even tiny fragments of the Holy Eucharist with identical care to a large host. When cremation of the dead occurs, we are instructed to respectfully bury the remains even though the body has been completely chemically broken down into carbon dust. Yet these cells in question are still alive and carry the entire genetic identity of the child, a living remnant, absorbing nutrients, passing on an identical living character from one cell division to the next. They are used precisely for their tangible function as viable human cells. These are indeed human remains.
17. What if one were to argue that the recipient is not necessarily an immediate participant in trafficking? Even if the person is not purchasing the product directly, say for example the state pays for it, the ultimate recipient is an *immediate and indispensable element in the chain of*

commerce because it is precisely *that* person who furnishes demand for the product and consumes it as the end-user. One could argue for donation by the manufacturer, but you cannot give away or receive what you have no right to possess. I cannot use something just because the thief has gifted it to me. Again, the objection might be raised that property rights are not absolute, but limited to certain conditions. A criminal might forfeit property used in a crime, or some possession may be requisitioned for a just and proportionate reason provided the intention to make restitution, especially when human life is at stake. After all, the argument might proceed, Christ defends David taking the loaves of proposition from the Temple to feed his men. However, even with the sacred loaves of proposition, we are dealing with a proprietary object that does not rise to the value of human life but is meant to serve its purposes. Human beings, including our bodies, are not proprietary objects in this sense. Even in an emergency, when someone is pressed into some essential service or when a criminal forfeits freedom, a human being does not become chattel. Even where it was deemed proportionate by religious authorities for victims of a 1972 plane crash to avoid starvation by consuming the remains of the dead who had notably not given consent, there was no element of theft by murder, no proprietary character to the use or consumption, no perpetual refusal to bury, no comparison between the emergency of imminent starvation to a very high survival rate. Considering all the above, it is impossible to see how we honor human life in an immediate act of desecrating it.

18. To Summarize the above points, my personal spiritual calculus based on Sacred Tradition and Holy Scripture in approaching these treatments is not complex. If you extract my family member's organs while murdering her and have the audacity to offer me a medicine produced either in her cultured cells or only use those cells to test your medicine, then I have one

response for you: keep your medicine. Or, perhaps the words of the Benedictine prayer are more fitting: “drink your own poison.” For the sake of spiritual and moral integrity, I do not entrust those complicit in taking the lives and continually desecrating the remains of others to be the saviors of my own.

19. It is not only the abortion victim’s living remains being exploited through commercialization, but the recipient’s as well. *The expansion of mandates for the consumption of these products establishes the principle of state-corporate ownership of the body which is rapidly expanding.* To mandate in any sense the reception of a for-profit treatment, whose means of production are immoral, which is increasingly imposed as an instrument for the means of unethical coercion of another as with expulsion from education as well as expanding state and private “health passports” and the like, whose production and marketing vastly inflates an unethical model of medical commerce—in short—an act which involves formal cooperation in deliberate murder by the purveyors and creators, a bad object in what it is itself due to the remnant human DNA and protein, and bad circumstances with respect to research and commerce, is a spiritually and morally repugnant act. To treat this as somehow morally compulsory without clear sufficient conditions or the genuine informed consent of the recipient is an act of violence and flagrant disregard for religious belief. We must ask the question of those who cite the moral law to pressure their neighbor: why do you cynically invoke the gift of conscience in order to coerce rather than elevate, to shackle rather than set free?
20. When these questions arise, the notion of the common good is ever more frequently abused to promote what is really utilitarian cloaked authoritarianism. The authentic common good within Christian tradition is the principle and end of our political life enabling us to thrive in

society, consisting in the individual's free moral agency, the well-being of society, and the security of the state; it subsists in circumstances such as justice under law, societal peace, the protection of the family, a virtuous citizenry, and well-being which includes public health. The common good is often reduced to public health alone in an attempt to counterbalance individual or personal religious objections. Yet, the actual common good is profoundly undermined by the subversion of seemingly every transcendent good by an increasingly arrogant atheistic medical materialism. We see the higher spiritual good crushed by this cult of the body in those who died alone without Holy Sacraments locked in nursing homes, or who have gone months without anything like a funeral mass, when holy water is altogether replaced by hand sanitizer, or when Our Lord in the Eucharist is treated like a vector for disease while the same people cluster to buy groceries and all carelessly touch the same button on the card reader. All of this is a symptom of a much greater disease.

21. We cannot remedy the situation unless we comprehend its scope and gravity. The question of aborted fetal cells used throughout so much research and production is only one strand in the expanding bioethical crisis of the hour, whether we look at expanding unethical organ harvesting, euthanasia, government facilitated abortion for research, authoritarian health systems, or any instance of the trivial buying and selling of human beings or their bodies. From a religious perspective, we face a world where the historical culmination of atheistic materialism is finally realized, where dishonest medicine replaces true religion as it must when our hearts choose carnal salvation over the salvation of the soul, where those who seek only to preserve their life in the flesh paradoxically become expendable objects themselves, buckets of spare parts to be used at will, without spirit or dignity or moral purpose. This is the dystopian reality at our doorstep if we do not draw the proper line in the sand now.

22. This affidavit is a complete representation of the facts to which I am swearing, and I could, if called, testify to these facts in court.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Reverend Father Michael E.P. Copenhagen

Reverend Father Michael E. P. Copenhagen, S.T.B.

ELISY M. FISCHER
Notary Public, State of New York
ID# 00110070072
Queens, Richmond County
Commission Expires on or before 5/5, 2022

STATE OF NEW YORK
COUNTY OF MONROE

ON THE 7 DAY OF April IN THE YEAR 2022 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Michael Copenhagen PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE INDIVIDUAL(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/they EXECUTED THE SAME IN HIS/HER/their CAPACITY(IES); AND THAT BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT, THE INDIVIDUAL(S) ACTUALLY EXECUTED THE INSTRUMENT.

[Signature]
NOTARY PUBLIC